

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

XOCKETS, INC.,

Plaintiff,

v.

**NVIDIA CORPORATION,
MICROSOFT CORPORATION, and
RPX CORPORATION**

Defendants.

Civil Action No. 6:24-cv-00453-LS

JURY TRIAL DEMANDED

**PLAINTIFF XOCKETS, INC.'S OPPOSED MOTION
FOR SCHEDULING CONFERENCE**

Xockets respectfully requests that the Court set a Scheduling Conference. This case was filed on September 5, 2024. All Defendants have been served, and no later than September 9, 2024, all Defendants appeared in this case as set forth in Rule 16(b)(2) of the Federal Rules of Civil Procedure. The Parties have submitted competing schedules as part of the briefing on Xockets' Case Management Motion for Entry of Scheduling Order, Order Governing Proceedings, and Notice of Consent to Magistrate Judge for Pretrial (Dkt. 133, 135, and 136), which is fully briefed:

Motion	Dkt. Nos.
Xockets' Case Management Motion for Entry of Scheduling Order, Order Governing Proceedings, and Notice of Consent to Magistrate Judge for Pretrial	Dkt. 133 (Xockets' Motion) filed Nov. 22, 2024; Dkt. 135 (Defendants' Opposition) filed Nov. 26, 2024 Dkt. 136 (Xockets' Reply) filed Nov. 27, 2024.

Xockets respectfully submits that a Scheduling Conference will allow the Parties to efficiently prosecute this case because Defendants have argued that they will not participate in moving this case forward until the Court rules on the competing schedules.

For the Court's convenience, a list of fully-briefed, pending motions, in addition to Xockets' Motion for Entry of Scheduling Order, Order Governing Proceedings, and Notice of Consent to Magistrate Judge for Pretrial (Dkt. 133, 135, and 136) and Xockets' Motion for Preliminary Injunction (Dkt. 4, and 82, 83, and 84), is as follows:

Motion	Dkt. Nos.
Defendants' Partial Motions to Dismiss Xockets' First Amended Complaint	Dkt. 128 (RPX & Microsoft's Joint Motion); Dkt. 129 (NVIDIA's Motion); Dkt. 141 (sealed), 142 (public) (Xockets' Omnibus Opposition); Dkt. 167 (RPX and Microsoft's Reply) Dkt. 168 (NVIDIA's Reply)
Microsoft's Motion to Sever and Stay Patent Claims Under the Customer-Suit Exception	Dkt. 139 (Microsoft's Motion); Dkt. 140 (NVIDIA's Joinder); Dkt. 151 (Xockets' Opposition); Dkt. 164 (Microsoft's Reply)
Xockets' Motion for Expedited Venue Discovery and Modified Briefing Schedule	Dkt. 150 (sealed), 166 (public) (Xockets' Motion); Dkt. 153 (NVIDIA's Opposition); Dkt. 154 (Microsoft's Opposition); Dkt. 159 (RPX's Joinder in NVIDIA's and Microsoft's Oppositions); Dkt. 169 (Xockets' Reply)
Xockets' Opposed Motion to Compel	Dkt. 170 (filed January 16, 2025) Defendants' response due January 23, 2025

Dated: January 16, 2025

Respectfully submitted,

/s/ Jamie H. McDole

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ATTORNEYS FOR XOCKETS, INC.

CERTIFICATE OF SERVICE

I hereby certify that, on January 16, 2025, I electronically submitted the foregoing document with the clerk of the United States District Court for the Western District of Texas, using the electronic case management CM/ECF system of the Court which will send notification of such filing to all counsel of record who are deemed to have consented to electronic service.

/s/ Jamie H. McDole

Jamie H. McDole

CERTIFICATE OF CONFERENCE

I hereby certify that, on January 14, 2025 counsel for Xockets conferred with counsel for Defendants via video conference regarding the relief requested in this motion. On January 16, 2025, Xockets again sought Defendants' respective positions by email. Defendant RPX opposes the relief sought by this motion, claiming "RPX does not believe a conference is necessary as scheduling and other matters before the court are adequately briefed. To the extent the court would find a hearing useful, RPX of course will be available at the court's convenience." Counsel for Microsoft and NVIDIA did not state their position in the meet and confer nor responded to Xockets' requests for their respective positions, and as such, Xockets presumes they each oppose.

/s/ Jamie H. McDole

Jamie H. McDole

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JURY TRIAL DEMANDED

**ORDER GRANTING PLAINTIFF XOCKETS, INC.'S MOTION
FOR SCHEDULING CONFERENCE**

Before the Court is Plaintiff Xockets, Inc.'s Motion for Scheduling Conference. The Court, having considered the motion, is of the opinion that the motion should be, and hereby is, **GRANTED.**

IT IS HEREBY ORDERED that the above entitled and numbered case is set for a Scheduling Conference on _____, 2025 at _____ [AM/PM].

SIGNED this _____ day of _____, 2025.

LEON SCHYDLOWER
UNITED STATES DISTRICT JUDGE